REMARKS

Claims 1-3, 5-18, 23-25, and 27-29 are currently pending in the subject application and are presently under consideration. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Inconsistency in Status of the Office Action

Applicant's representative herein respectfully notes inconsistencies in status of the Office Action (final/non-final.) The Summary Page is marked to designate that such Office Action is a "non-final" action – however, the last paragraph indicates that the Office Action has been made Final. Correction is required.

II. Rejection of Claims 1, 10, and 29 Under 35 U.S.C. §101

Claims 1, 10, and 29 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested for at least the following reasons. The subject claims are directed to an industrial system/methodology that is adequately defined, and produce useful, concrete and tangible results.

For example, the claims recite the term "***component***", which has been adequately defined in the Specification to cover hardware/software segments. (*See* the Specification on page 6 lines 4-16. *As used herein, the terms "**component**," "device," "controller," and the like are intended to refer to a **computer-related entity, either hardware, a combination of hardware and software,** software, or software in execution. For example, a component can be, but is not limited to, a process running on a processor, a processor, an object, an executable, a thread of execution, a program, a microprocessor, a processing unit and/or a computer. In addition, one or more components can reside within a process and/or thread of execution and a component can be localized on a computer and/or distributed amongst a plurality of computers. Furthermore, such components can be executed within various computer readable media, wherein respective media can be associated with disparate data structures. Moreover, such components can communicate via local and/or remote processes, for example, in accordance with a signal with one or more data packets (e.g., data from a component interacting with another component in a local system, distributed system, and/or across a network such as the Internet with other systems via the signal). See also* page 16 last paragraph, continued to page 17

first paragraph; "*In particular and in regard to the various functions performed by the above described components, devices, circuits, systems and the like, the terms (including a reference to a "means") used to describe such components are intended to correspond, unless otherwise indicated, to any component which performs the specified function of the described component (e.g., a functional equivalent), even though not structurally equivalent to the disclosed structure, which performs the function in the herein illustrated exemplary aspects of the invention. In this regard, it will also be recognized that the invention includes a system as well as a computer-readable medium having computer-executable instructions for performing the acts and/or events of the various methods of the invention.*

Furthermore, the subject specification provides ample examples of practical applications along with satisfactory explanations illustrating the usefulness of such data access methodology and system. For example, systems/methodologies are described that eliminate requirements of installing proprietary data access software and/or platform specific software being tailored for the industrial device(s). Put differently, conventional systems typically require installation and execution of custom interfaces and specialized drivers on both the computing and industrial control device. Such custom and specialized software typically depend on operating system; and thus, a plurality of drivers may need to be generated and loaded in order to provide access by various systems running different operating systems. Hence, the subject invention improves upon conventional systems *via* mitigating a need to develop, install and execute custom interface and specialized drivers on the industrial control and computing devices. Accordingly, performance can be improved *via* freeing processing cycles and memory and reduce cost associated with interface and driver development, testing and maintenance. The subject specification provides ample examples of practical applications along with satisfactory explanations illustrating the usefulness of such data access methodology and system.

In view of at least the above, it is readily apparent that the claimed invention reduces to a practical application that is clearly defined, and produces a useful, concrete, tangible result. Thus, the subject claims satisfy the utility/enablement requirement of 35 U.S.C. §101 and this rejection should be withdrawn.

III. Rejection of Claim 1 Under 35 U.S.C. §102(b)

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by Mehta (US 5,999,933). Withdrawal of this rejection is respectfully requested for at least the following reasons. Mehta does not teach or suggest the claimed invention.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. In re Robertson, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.,* 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Contrary to assertions made by the Examiner, Mehta does not disclose an arbiter component that facilitates interaction ***between the*** computer network and the industrial device, as in the claimed invention. Mehta at column 6 lines 1-15, as cited in the Office Action, is directed to a standard data base management system that itself is ***part of*** the computer network; and not an ***intermediate*** component ***between the*** computer network and the industrial device - to further ***facilitates interaction therebetween,*** as in the claimed invention**.** Independent claim 1 recites an arbiter component that facilitates access ***between industrial devices*** and ***computer networks*** for an access to the database tables. *See also* Fig, 4 of the Specification.

Moreover, Mehta does not teach a mapping component as cited in independent claim 1. Rather, the mapping feature of Mehta maps ***from a memory dump*** (e.g., a crashed software/hardware) to a table, wherein one table is created per selected type of data; and one row in the table to represent a data structure. Mehta makes available power of standard base management systems to determine cause of crash of a hardware/software system for which the memory dump was taken. Such is not the mapping from ***an industrial unit*** (e.g., non-crashed and operational entity) to a table for eliminating or mitigating ***a requirement of proprietary data access software***; such as a need to develop, install and execute custom interface and specialized drivers on the industrial control and computing devices.

Put differently, the subject invention in part generates a database table that contains industrial data *via* the mapping component, wherein such data is ***accessible through*** a standard database interface ***without*** requirement of ***proprietary data*** access software tailored ***for the industrial device***(s), and/or without requirement of ***platform specific software*** being tailored for

the industrial device(s), and/or employing classifiers. For example, tables generated *via* such mapping can be accessed through a standard database interface such as JDBC, which typically is employed in connection with a host driver that is written in JAVA such that it can be ported to essentially any platform. Thus, a programmer can write code that can read from and write to these database tables without any platform specific software (*e.g.*, interfaces, drivers and operating system specific software).

Independent claim 1 further recites: "the database table(s) accessible through a standard database interface ***without requirement of proprietary data access software*** tailored for the industrial device(s) [...]. In view of the at least above comments, it is readily apparent that Mehta does not teach or suggest the subject invention as recited in independent claims 1, and this rejection should be withdrawn.

IV. Rejection of Claims 2-3, 5-7, 9-18, 23-25, and 28-29 Under 35 U.S.C. §103(a)

Claims 2-3, 5-7, 9-18, 23-25, and 28-29 stand rejected under 35 U.S.C. §103(a) as being obvious over Mehta in view of Scott (US 2003/0172046). Claims 2-3, 5-7, 9 depend from independent claim 1 and Scott does not make up for the aforementioned deficiencies of Mehta with respect to this independent claim.

Moreover, Mehta alone or in combination with Scott, does not teach or suggest the claimed invention as recited in claims 10, 23, and 29.

> To reject claims in an application under §103, an examiner must establish a prima facie case of obviousness. A prima facie case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. ***Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.*** See MPEP §706.02(j).

The subject invention as claimed relates in part to employing ***classifiers*** (*e.g.,* artificial intelligence) to ***infer*** decisions and generate the database tables. Such aspects of the claimed invention are not taught or suggested by Mehta alone or in combination with Scott.

Rather, the extraction logic of Mehta is used in conjunction with a template library that contains data structure definitions for various types of data structures. Such extraction logic, together with the template library enable populating logical tables with the contents of data structures found in the memory dump. Such is not employing classifiers and artificial intelligence that can ***infer decision making processes*** as in applicant's claimed invention. For example, the subject invention can include Bayesian learning, Bayesian classifiers and other statistical classifiers, such as decision tree learning methods, support vector machines, linear and non-linear regression and/or neural networks to facilitate decision-making. Independent claim 10 recites an intelligence component that employs ***classifiers*** (*e.g.,* artificial intelligence) to generate the database tables. Likewise, independent claim 29 recites an intelligence component with classifiers.

Moreover, and as explained earlier, Mehta does not does not disclose accessing the data without platform specific data access software associated with the industrial device(s), as recited in independent claim 23. Furthermore, Scott does not make up for the aforementioned deficiencies of Mehta with respect to independent claims 10, 23, 29 and this rejection should be withdrawn.

V. Rejection of Claim 8 Under 35 U.S.C. §103(a)

Claim 8 stands rejected under 35 U.S.C. §103(a) as being obvious over Mehta in view of Ito *et al.* (US 2004/0143791). Claim 8 depends from independent claim 1, and Ito *et al.* does not make up for the aforementioned deficiencies of Mehta with respect to the subject independent claims. Accordingly, withdrawal of this rejection is respectfully requested.

VI. Rejection of Claim 27 Under 35 U.S.C. §103(a)

Claim 27 stands rejected under 35 U.S.C. §103(a) as being obvious over Mehta and Scott, and further in view of Ito *et al.* Claims 27 depends from independent claim 23, and Ito *et al.* does not make up for the aforementioned deficiencies of Mehta and Scott with respect to the subject independent claim. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP330US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Seyed Vahid Sharifi Takieh /
Seyed Vahid Sharifi Takieh
Reg. No. 45,828

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731